

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 12 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Taf DEPUTY

JESSE W. JAMES,

Plaintiff,

vs.

No. CIV-12-851-W

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

ORDER

On July 26, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Jesse W. James be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object, but neither party has objected to the Report and Recommendation within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's finding that remand of this matter is warranted due to the errors of the Administrative Law Judge, including, but not limited, his errors at steps two and four of the five-step sequential evaluation process for determining disability. E.g., Wall v. Astrue, 561 F.3d 1048, 1052

¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

(10th Cir. 2009); 20 C.F.R. § 416.920.

Accordingly, the Court

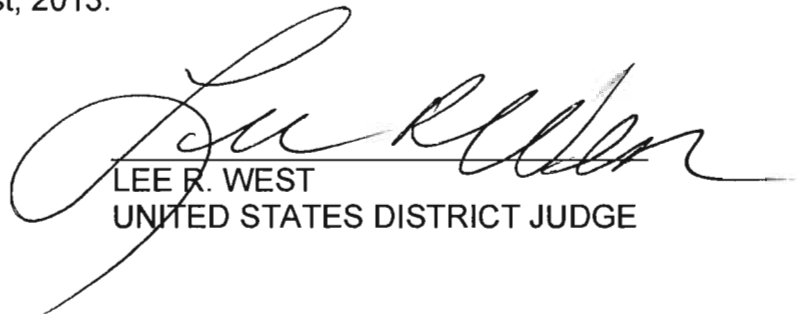
(1) ADOPTS the Report and Recommendation [Doc. 25] issued on July 26, 2013;

(2) REVERSES the Commissioner's decision denying James' Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 12th day of August, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE